

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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BROADCAST MUSIC, INC.;
DYNATONE PUBLISHING COMPANY;
KEN ADAMANY, RICK NEILSEN,
BRAD CARLSON, ROBIN ZANDER AND
TOM PETERSON, a partnership
d/b/a ADULT MUSIC; SCREEN GEMS-EMI
MUSIC, INC.; FOX-GIMBEL PRODUCTIONS,
INC.; CHARLES FOX d/b/a RODALI MUSIC;
WARNER TAMERLANE PUBLISHING CORP.;
EDWIN LAMAR NICHOLAS, an individual
d/b/a RAMAL MUSIC COMPANY; DIVIDED
MUSIC, INC.; SONY/ATV SONGS LLC; MOW
B'JOW MUSIC, INC.; EMI BLACKWOOD
MUSIC, INC.; ADAM FREDERIC DURITZ,
DAVID LYNN BRYSON, STEVE BOWMAN,
MATTHEW MARK MALLEY, CHARLES
THOMAS GILLINGHAM, a partnership d/b/a
JONES FALLS MUSIC; BLUES TRAVELER
PUBLISHING CORPORATION; DEVO, INC.
d/b/a DEVO MUSIC; EMI VIRGIN SONGS, INC.;
JOHN A. FOGARTY d/b/a TAKING CARE OF
BUSINESS MUSIC; SONGS OF UNIVERSAL,
INC.; BRADLEY KIRK ARNOLD, ROBERT
TODD HARRELL, MATTHEW DARRICK
ROBERTS AND CHRISTOPHER LEE
HENDERSON, a partnership d/b/a ESCATAWPA
SONGS,

Plaintiffs,

v.

THIRD EDITION ENTERPRISES, INC.
d/b/a MAD RIVER BAR & GRILLE; MIKE
MASTELLONE AND JOHN DURKIN,
each Individually,

Defendants.

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Civ: 04-CV-1119

CONSENT JUDGMENT

Plaintiffs having filed an action for copyright infringement against Defendants, the parties now request entry of this Judgment.

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiff BROADCAST MUSIC, INC., licenses the right of public performance, and the other Plaintiffs own the copyrights, in the following musical compositions:
 - a. Get Up I Feel Like Being A Sex Machine AKA Get Up I Feel Like Being a Sex Machine.
 - b. I want You to Want Me
 - c. Killing Me Softly
 - d. Let's Talk About It
 - e. Little Miss Can't be Wrong
 - f. Mr. Jones a/k/a Mister Jones
 - g. Run Around
 - h. Whip It
 - i. You Dropped A Bomb On Me
 - j. Kryptonite
2. Defendants have infringed the copyrights in the musical works listed in Paragraph 1 above.
3. Defendants are hereby permanently enjoined from causing any unlicensed public performance of any musical works licensed by Broadcast Music, Inc.
4. Defendants shall pay the Plaintiffs damages in the amount of \$32,000.00.

5. This Court shall retain jurisdiction over this matter for enforcement of this

Judgment.

DATED: 3/24, 2005


UNITED STATES DISTRICT Judge